

Decision **DRAFT DECISION OF ALJ COOKE** (Mailed 6/17/2002)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the Gas
Procurement Ratemaking Practices of San Diego
Gas and Electric Company.

Investigation 00-08-003
(Filed August 3, 2000)

OPINION AWARDING COMPENSATION

This decision modifies Decision (D.) 01-11-011, which awarded Latino Issues Forum \$11,505.00 in compensation for its contribution to D.01-05-003. Consistent with D.02-05-011 and D.01-09-011, as modified by D. [REDACTED], we modify the hourly rates adopted for attorney Susan Brown. This change results in a total award of compensation of \$12,168.75. San Diego Gas & Electric Company is directed to pay the incremental difference (\$663.75) to Latino Issues Forum, with interest, as of September 15, 2001.

1. Background

In D.01-11-011, we awarded Latino Issues Forum \$11,505.00 in compensation for its substantial contribution to D.01-05-003. Its work was performed in 2000 and 2001. To set rates, we relied on the 2000 rate adopted in D.01-09-045 for attorney Susan Brown, \$260/hour. Latino Issues Forum had requested rates be set at \$275/hour for Brown.

D.01-09-045 relied in part on rates adopted in D.00-04-003. Greenlining Institute and Latino Issues Forum filed a timely application for rehearing of D.00-04-003, which was resolved in D.02-05-011. Greenlining Institute and Latino Issues Forum also filed a petition to modify D.00-04-003, which was

resolved in the order disposing of the application for rehearing. Although D.02-05-011 denied the application for rehearing, the Commission took the opportunity presented by the request to reevaluate the rates awarded to several attorneys and experts for Greenlining Institute and Latino Issues Forum.

In D.02-05-011, we set a new 1998 rate for Brown at \$260/hour. We have subsequently modified D.00-04-011 and D.01-09-011, consistent with the Commission's directive that we revisit the rates adopted in orders that followed D.00-04-003, in light of its modification. Today's decision also responds to that requirement.

2. Hourly Rates

Consistent with the rate adopted in D.01-09-011, as modified by D.02-06-___ and requested by Brown, we adopt \$275/hour as the hourly rate for Brown's work in this proceeding in 2000 and 2001. Time spent by Brown on the compensation request will be awarded at half her hourly rate. The 2001 rate does not reflect any change from 2000 rates to account for changes in market rates for legal services between 2000 and 2001. Because it reflects her 2000 rate, we do not consider the modified 2001 rate we adopt today for Brown to limit the Commission's ability to set a different rate for 2001 in a different proceeding.

3. Award

Utilizing the revised hourly rates for Brown, the total award to Latino Issues Forum is \$12,168.75, as calculated below.

AWARD BASED ON REVISED RATES			
Witness	Hours	Hours	
Brown 2000	27.5	\$ 275.00	\$ 7,562.50
Brown 2001	14.5	\$ 275.00	\$ 3,987.50
Brown (Compensation)	4.5	\$ 137.50	\$ 618.75
			\$ 12,168.75

Of this amount, \$11,505.00 has already been paid, resulting in an increased award of \$663.75. Consistent with how we allocated responsibility for the award adopted in D.01-11-011, we assess responsibility for payment of the \$663.75 increment to San Diego Gas & Electric Company.

Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing September 15, 2001 (the 75th day after Latino Issues Forum submitted its complete compensation request), and continuing until the utilities make full payment, respectively, of the award.

As in all intervenor compensation decisions, we put Latino Issues Forum on notice that Commission staff may audit its records related to this award. Thus, it must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Its records should identify specific issues for which compensation is requested, the actual time spent by each employee, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation may be claimed.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure.

Findings of Fact

1. D.01-09-011, as modified by D.02-06-_____, adopted a 2000 hourly rate for Susan Brown of \$275/hour.
2. Latino Issues Forum requested 2000 and 2001 hourly rates for Brown of \$275/hour.

Conclusions of Law

1. The 2000 rate adopted in D.01-09-011, as modified by D.02-06-____, should be utilized for Brown for 2000 and 2001.
2. Because the adopted 2001 rate does not reflect any change from 2000 rates to account for changes in market rates for legal services, the modified 2001 rate adopted today should not limit the Commission's ability to set a different rate for 2001 in a different proceeding for Brown.
3. Latino Issues Forum should be awarded an additional \$663.75 for its contribution to D.01-05-003.
4. This order should be effective today so that Latino Issues Forum may be compensated without unnecessary delay.

O R D E R**IT IS ORDERED** that:

1. Latino Issues Forum is awarded an additional \$663.75 in compensation for its substantial contribution to Decision 01-05-003.
2. San Diego Gas & Electric Company (SDG&E) shall pay Latino Issues Forum a total of \$663.75 within 30 days of the effective date of this order. SDG&E shall also pay interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release G.13, with interest, beginning September 15, 2001, and continuing until full payment is made.

3. This proceeding is closed.
4. This order is effective today.

Dated _____, at San Francisco, California.